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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,995	08/04/2003	Karl-Heinz Helmstadter	A-3742	5009

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EXAMINER

MORRISON, THOMAS A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 08/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/633,995

Applicant(s)

HELMSTADTER, KARL-HEINZ

Examiner

Thomas A. Morrison

Art Unit

3653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM  
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2003.  
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.  
4a) Of the above claim(s) 9-16 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-8 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 04 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 08/04/03.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. During a telephone conversation with Mr. Werner H. Stermer on 07/29/2005 a provisional election was made with traverse to prosecute the invention of Fig. 1, claims 1-8. Affirmation of this election must be made by applicant in replying to this Office action. Claims 9-16 were withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 2-6 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2, it is unclear what is meant by the recited "**endlessly revolving** flexible drives". (emphasis added).

Regarding claim 5, it is unclear what is meant by the recited "longitudinally extending connecting line through which suction air is applicable by said air delivery element **jointly** to said suction elements". (emphasis added).

Also, it is unclear in claim 5, if the recited "said suction elements" refers back to the multiplicity of said suction elements" in claim 4 or the recited "suction elements" in claim 2.

Regarding claim 8, it is unclear what is meant by the recited "plurality of movable impellers are accommodated on said suction bar for driving said impellers by a common drive shaft". It is unclear what element(s) drive the impellers?

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 4, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,431,386 (Blaser).

Regarding claim 1, Figs. 1-3 show a sheet-processing machine, comprising:

a revolving sheet holding device (including 13, 11, 6 and 7) for aiding in transporting sheets to be processed; and

a device for producing suction air or air blast, including:

a movable air delivery element (i.e., elements 3, 4, 10 and 14, and the disclosure for element 4 set forth column 2, lines 48-57) accommodated on the revolving sheet holding device (i.e., accommodated on 13), and

an actuating element (including 15) cooperatively engaging with the air delivery element for driving the air delivery element, the actuating element (including 15) being movable relative to the sheet holding device (including 13,

11, 6 and 7). See column 5, lines 15-27 for an explanation of the phase shift, to understand how the actuating element is movable relative to the revolving sheet holding device.

Regarding claim 2, Figs. 1-3 show that the revolving sheet holding device (including 13, 11, 6 and 7) includes a suction bar (i.e., element 7 and the disclosure for element 7 set forth in column 2, lines 48-57) extending transversely to a sheet transport direction and having suction elements disposed thereon and two endlessly revolving flexible drives (6) holding ends of the suction bar. Inherently, the suction bar disclosed in column 2, lines 48-57 has suction elements, as claimed.

Regarding claim 4, Fig. 3 and the disclosure for element 7 set forth in column 2, lines 48-57 disclose that a multiplicity of the suction elements are mounted on the suction bar (7) at a spaced distance from one another and serve for attracting the sheets at the trailing edge thereof by suction. More specifically, Fig. 3 shows that element (7) has a plurality of spaced apart mechanical grippers. Moreover, column 4, lines 38-51 disclose that such mechanical grippers grip trailing edges of sheets. In addition, column 2, lines 48-57 disclose that such grippers can be replaced by suction elements. As such, all of the limitations of claim 4 are met.

***Allowable Subject Matter***

4. Claims 3, 6 and 7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 3 and 6 also need to

be amended to overcome the rejections under 35 U.S.C. 112, second paragraph noted above. The structure set forth in claim 5 is too indefinite to be treated with respect to the art.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas A. Morrison whose telephone number is (571) 272-7221. The examiner can normally be reached on M-F, 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Walsh can be reached on (571) 272-6944. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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